

REMARKS

The rejection under 35 U.S.C. § 112, first paragraph

Claim 6 stands rejected under 35 U.S.C. §112 first paragraph. The Examiner alleges that the specification only supports the fastener being attached to the outside of a user's underpants. However, the Examiner's attention is directed to paragraph [0053] which clearly states that, in the preferred embodiment, the fastener is fixed to the inside of the underpants. Accordingly, applicants believe that claim 6 meets all requirements of §112 first paragraph. Withdrawal of the rejection of claim 6 under §112 is earnestly solicited.

Art Rejections

Claims 1-3, 5-8 and 12-15 stand rejected under 35 U.S.C. § 102(b) over Komatsu (JP 11-318985).

The invention is directed to an incontinence pad for males that uses a tongue for fastening the pad to underpants. In a preferred embodiment, the rear end portion of the pad being is hooked around the genitals of the wearer. See, e.g., paragraph 41 of Applicants' specification. Komatsu, in contrast, discloses a fastener at both the front and rear of its pad 1. Additionally, Komatsu's pad 1 is not well suited for the male anatomy as it would be uncomfortable to wear. By securing the pad 1 using both a front and rear fastener 7, 8, Komatsu's pad would move with the underpants (rather than with the genitals) which is a drawback that the invention overcomes. See, e.g., Paragraphs 13-14.

According to a preferred embodiment of the invention, an incontinence pad with a fastener located in the front end portion and a bowl-shaped area that hooks to the male genitals will prevent leakage, hold the pad in place without causing

discomfort and not restrict movement of the genitals. Thus, the invention concerns a novel incontinence pad that is fixed to an undergarment with a fixing tongue at only the front end portion. Figure 2 of the specification illustrates one example of the invention.

Claim 1, as amended, is directed to an incontinence pad and recites "a fastening system for fixing the incontinence pad to a pair of underpants, fixing pants or the like, the fastening system including at least one fixing tongue extending in the longitudinal direction of the incontinence pad from only the front end portion." Support for the amendment may be found in the Figures and generally throughout the specification.

Komatsu uses fasteners extending from both the front and rear ends. In contrast, the claimed incontinence pad includes a fixing tongue extending from only the front end portion. Therefore, claim 1 is not anticipated by Komatsu. Nor is claim 1 obvious in light of Komatsu. Komatsu is intended mainly for women and its objective is to prevent relative movement of the pad. If the rear fastener were removed, Komatsu pad 1 would no longer be effective because pad 1 requires front and rear fasteners or else it would move relative to the genitals. For at least these reasons, Applicants respectfully request that the Examiner withdrawal the rejections to claims 1-3, 5-8 and 12-15 under 35 U.S.C. § 102 in view of Komatsu.

Please note that in the International Application, similar amendments were made to claim 1, and were found to distinguish over Komatsu. See the International Preliminary Examination Report submitted in the Information Disclosure Statement filed on December 17, 2004.

Claims 1-6, 9-12 and 14 stand rejected under 35 U.S.C. § 103(a) in view of Fisher (US 5,290,270) and or Komatsu.

Fisher discloses a man's undergarment with a disposable liner 34. Referring to Figures 1, 2, and 3 of Fisher, the undergarment 10 includes a disposable liner 34 secured to garment 10 by fasteners 31 and 49 extending from the front end portion and to garment 10 by fastening strips 52 extending from the rear end portion. Thus, Fisher's device, as with the case of Komatsu, secures the pad 34 with fasteners extending from both its front and rear end portions. Additionally, Fisher is the type of garment that is discussed in paragraph 14 of Applicants' specification. As discussed therein, Fisher is undesirable as the liner 34, being part of the garment, will move with the garment 10, rather than staying with the genitals.

Claim 1, as amended, is directed to an in continence pad and recites "a fastening system for fixing the incontinence pad to a pair of underpants, fixing pants or the like, the fastening system including at least one fixing tongue extending in the longitudinal direction of the incontinence pad from only the front end portion." In contrast to Fisher, the claimed pad includes a tongue extending only from the front end portion. Claim 1 is therefore not obvious in view of Fisher. Nor could Fisher be modified by removing fasteners 52 because then liner 34 could not be held in a position to trap leaks. For at least these reasons, Applicants respectfully request that the Examiner remove the rejections to claims 1-6, 9-12 and 14 under 35 U.S.C. § 103(a). Allowance of the claims is earnestly solicited.

Newly added claim 17, dependant from allowable claim 1, recites "the incontinence pad having its greatest extent in the transverse direction in a part which in the longitudinal direction is located towards a fixing tongue and its smallest extent

in a part which in the longitudinal direction is located away from the fixing tongue."

Neither Komatsu nor Fisher teach or suggest the claimed combination of an incontinence pad having its greatest extent near the fixing tongue and its smallest extent away from the fixing tongue, nor does the Moretz reference (U.S. 5,291,617). Moretz's wicking insert 32 constitutes only an absorbent piece placed between fabric of a conventional undergarment, not an incontinence pad as claimed. Therefore, claim 17 is patentable over the art of record because it either recites an additional patentable feature of the invention or depends from allowable claim 1. Allowance of claim 17 is earnestly solicited.

Newly added claim 18, dependant from allowable claim 1, recites "the pad having a rear end portion including pre-stressed elastic material configuring at least a portion of the pad into a bowl shape." None of art of record, taken alone or in combination, teach or suggest the limitations of claim 18. Therefore, claim 18 is patentable over the art of record because it either recites an additional patentable feature of the invention or depends from allowable claim 1. Allowance of claim 18 is earnestly solicited.

In the event that there are any questions concerning this amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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